

113TH CONGRESS  
1ST SESSION

# H. R. 3033

To enhance energy security by expanding access to domestic energy resources, boost employment opportunities in the energy sector, and provide consumers relief from artificial price increases.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. LATTA (for himself, Mr. MCKINLEY, Mr. COFFMAN, Mr. HUELSKAMP, Mr. WESTMORELAND, Mr. LONG, and Mr. HUIZENGA of Michigan) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance energy security by expanding access to domestic energy resources, boost employment opportunities in the energy sector, and provide consumers relief from artificial price increases.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be referred to as  
5       the “Energy Security and Employment Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—EXPAND ACCESS TO AMERICA’S OIL AND GAS RESOURCES

### Subtitle A—Outer Continental Shelf

- Sec. 101. Repeal of moratorium under Gulf of Mexico Energy Security Act of 2006.  
 Sec. 102. National defense areas.  
 Sec. 103. OCS oil and gas leasing program for 2013–2018.  
 Sec. 104. Sharing of OCS receipts with States and local governments.

### Subtitle B—Arctic Coastal Plain

- Sec. 111. Definitions.  
 Sec. 112. Leasing program for land within the Coastal Plain.  
 Sec. 113. Lease sales.  
 Sec. 114. Grant of leases by the Secretary.  
 Sec. 115. Lease terms and conditions.  
 Sec. 116. Expedited judicial review.  
 Sec. 117. Rights-of-way and easements across the Coastal Plain.  
 Sec. 118. Conveyance.

## TITLE II—REVOCATION OF ENERGY-RESTRICTING BLM LOCKUP

### Subtitle A—Expedited Shale Leasing of Federal Lands

- Sec. 201. Opening of lands to oil shale leasing.

### Subtitle B—Judicial Review Regarding Energy Projects

- Sec. 211. Definitions.  
 Sec. 212. Jurisdiction over causes and claims relating to covered energy projects.  
 Sec. 213. Time for filing complaint.  
 Sec. 214. Expedition in hearing and determining the action.  
 Sec. 215. Standard of review.  
 Sec. 216. Limitation on injunction and prospective relief.  
 Sec. 217. Limitation on Attorneys’ fees.  
 Sec. 218. Legal standing.

### Subtitle C—Permitting Reform

- Sec. 221. Purposes.  
 Sec. 222. Federal Coordinator.  
 Sec. 223. Regional offices and Regional Permit Coordinators.  
 Sec. 224. Reviews and actions of Federal agencies.  
 Sec. 225. State coordination.  
 Sec. 226. Savings provision.  
 Sec. 227. Administrative and judicial review.  
 Sec. 228. Amendments to publication process.  
 Sec. 229. Definitions.

TITLE III—RELIEF FROM REGULATIONS AND PROHIBITIONS  
THAT CAUSE ARTIFICIAL PRICE INCREASES

Subtitle A—Relief From EPA Climate Change Regulations and Federal  
Prohibitions on Synthetic Fuels

- Sec. 301. Repeal of EPA climate change regulation.  
Sec. 302. Repeal of Federal ban on synthetic fuels purchasing requirement.  
Sec. 303. Elimination of boutique fuels.

Subtitle B—Refinery Reform

- Sec. 311. Refinery permitting process.  
Sec. 312. Existing refinery permit application deadline.

1 **TITLE I—EXPAND ACCESS TO**  
2 **AMERICA’S OIL AND GAS RE-**  
3 **SOURCES**

4 **Subtitle A—Outer Continental**  
5 **Shelf**

6 **SEC. 101. REPEAL OF MORATORIUM UNDER GULF OF MEX-**  
7 **ICO ENERGY SECURITY ACT OF 2006.**

8 Section 104 of the Gulf of Mexico Energy Security  
9 Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)  
10 is repealed.

11 **SEC. 102. NATIONAL DEFENSE AREAS.**

12 This title shall not affect the authority of the Sec-  
13 retary of Defense, with the approval of the President, to  
14 designate national defense areas on the outer Continental  
15 Shelf pursuant to section 12(d) of the Outer Continental  
16 Shelf Lands Act (43 U.S.C. 1341(d)).

1 **SEC. 103. OCS OIL AND GAS LEASING PROGRAM FOR 2013–**  
2 **2018.**

3 (a) IN GENERAL.—The Draft Proposed Outer Conti-  
4 nental Shelf Oil and Gas Leasing Program 2010–2015  
5 issued by the Secretary of the Interior under section 18  
6 of the Outer Continental Shelf Lands Act (43 U.S.C.  
7 1344) shall be considered to be the final oil and gas leas-  
8 ing program under that section for the period of fiscal  
9 years 2013 through 2018.

10 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—  
11 The Secretary is considered to have issued a final environ-  
12 mental impact statement for the program referred to in  
13 subsection (a) in accordance with all requirements of sec-  
14 tion 102(2)(C) of the National Environmental Policy Act  
15 of 1969 (42 U.S.C. 4332(2)(C)).

16 (c) TERMINATION OF EXISTING PROGRAM.—The  
17 Five Year Outer Continental Shelf Oil and Gas Leasing  
18 Program for 2012–2017 shall have no force or effect.

19 **SEC. 104. SHARING OF OCS RECEIPTS WITH STATES AND**  
20 **LOCAL GOVERNMENTS.**

21 Section 9 of the Outer Continental Shelf Lands Act  
22 (43 U.S.C. 1338) is amended as follows:

23 (1) By designating the existing text as a sub-  
24 section (a).

1           (2) In subsection (a) (as so designated) by in-  
2       serting “, if not paid as otherwise provided in this  
3       title” after “receipts”.

4           (3) By adding at the end the following:

5       “(b) TREATMENT OF OCS RECEIPTS.—

6           “(1) DEPOSIT.—The Secretary shall deposit  
7       into a separate account in the Treasury the portion  
8       of OCS Receipts for each fiscal year that will be  
9       shared under paragraph (2).

10          “(2) IMMEDIATE RECEIPTS SHARING.—Begin-  
11       ning October 1, 2013, the Secretary shall pay under  
12       subsection (c) 50 percent of OCS Receipts received  
13       by the United States under all leases under this Act,  
14       except that the Secretary shall only pay 25 percent  
15       of such OCS Receipts received under all such leases  
16       within a State’s Adjacent Zone if leasing is not al-  
17       lowed within at least 25 percent of the portion of  
18       that State’s Adjacent Zone located completely within  
19       75 miles of any coastline.

20          “(3) ALLOCATIONS.—The Secretary shall allo-  
21       cate the OCS Receipts deposited into the separate  
22       account established by paragraph (1) that are paid  
23       under paragraph (2) as follows:

24               “(A) BONUS BIDS.—Deposits of bonus  
25       bids from a leased tract, including interest

1           thereon, shall be allocated at the end of each  
2           fiscal year to the Adjacent State.

3           “(B) ROYALTIES.—Deposits of royalties  
4           and net profit shares from a leased tract, in-  
5           cluding interest thereon, shall be allocated at  
6           the end of each fiscal year as follows:

7                     “(i) 50 percent to the Adjacent State.

8                     “(ii) 50 percent, in equal amounts, to  
9           all States, including the Adjacent State,  
10          that—

11                    “(I) have a coastline point within  
12                    300 miles of the center of the leased  
13                    tract; and

14                    “(II) allow leasing within at least  
15                    25 percent of the portion of each  
16                    State’s Adjacent Zone that is within  
17                    75 miles of the coastline.

18           “(C) LIMITATION IF NOT ADMITTED TO  
19           THE UNION AS A STATE.—Any territory of the  
20           United States shall only be entitled to one-half  
21           of a State share under this paragraph.

22           “(c) PAYMENT OF ALLOCATIONS.—

23                    “(1) IN GENERAL.—Not later than 90 days  
24           after the end of each fiscal year, the Secretary shall  
25           pay—

1           “(A) to each State 60 percent of such  
 2           State’s allocations under subsection b)(3) for  
 3           the preceding fiscal year, together with all ac-  
 4           crued interest thereon; and

5           “(B) to the coastal county-equivalents and  
 6           municipal political subdivisions of such State a  
 7           total of 40 percent of such State’s allocations  
 8           under subsection (b)(3) for the preceding fiscal  
 9           year, together with all accrued interest thereon,  
 10          allocated among such county equivalents and  
 11          subdivision in accordance with paragraph (2).

12          “(2) ALLOCATIONS TO COASTAL COUNTY-  
 13          EQUIVALENT POLITICAL SUBDIVISIONS.—The Sec-  
 14          retary shall make an initial allocation of the OCS  
 15          Receipts to be paid with respect to a State under  
 16          paragraph (1)(B) for a fiscal year as follows:

17               “(A) 25 percent shall be allocated among  
 18               coastal county-equivalent political subdivisions  
 19               of the State that each—

20                       “(i) are completely more than 25  
 21                       miles landward of the coastline of the  
 22                       State; and

23                       “(ii) have a part of which that lies not  
 24                       more than 75 miles landward from the  
 25                       coastline,

1 based on the population of such subdivisions.

2 “(B) 75 percent shall be allocated among  
3 coastal county-equivalent political subdivisions  
4 of the State that each are completely or par-  
5 tially less than 25 miles landward of the coast-  
6 line, of which—

7 “(i) 25 percent shall be allocated  
8 based on the ratio of each such subdivi-  
9 sion’s population to the coastal population  
10 of all such subdivisions;

11 “(ii) 25 percent shall be allocated  
12 based on the ratio of the coastline miles of  
13 each such subdivision’s to the coastline  
14 miles of all such subdivisions of the State,  
15 as calculated by the Secretary with each  
16 such subdivisions without a coastline con-  
17 sidered to have 50 percent of the average  
18 coastline miles of such subdivisions that do  
19 have coastlines; and

20 “(iii) 50 percent shall be allocated  
21 equally to all such subdivisions having a  
22 coastline point within 300 miles of the cen-  
23 ter of the leased tract with respect to  
24 which OCS Receipts are paid.



1           “(3) ALLOCATIONS TO COASTAL MUNICIPAL PO-  
2           LITICAL SUBDIVISIONS.—The initial allocation to  
3           each coastal county-equivalent political subdivision  
4           under paragraph (2) shall be further allocated to the  
5           coastal county-equivalent political subdivision and  
6           any coastal municipal political subdivisions located  
7           partially or wholly within the boundaries of the  
8           coastal county-equivalent political subdivision, as fol-  
9           lows:

10                 “(A) One-third shall be allocated to the  
11                 coastal county-equivalent political subdivision.

12                 “(B) Two-thirds shall be allocated on a per  
13                 capita basis to the municipal political subdivi-  
14                 sions and the county-equivalent political sub-  
15                 division, with the allocation to the latter based  
16                 upon its population not included within the  
17                 boundaries of a municipal political subdivision.

18           “(d) INVESTMENT OF DEPOSITS.—Amounts depos-  
19           ited under this section shall be invested by the Secretary  
20           of the Treasury in securities backed by the full faith and  
21           credit of the United States having maturities suitable to  
22           the needs of the account in which they are deposited and  
23           yielding the highest reasonably available interest rates as  
24           determined by the Secretary of the Treasury.

1       “(e) USE OF FUNDS.—A recipient of funds under  
2 this section may use the funds for one or more of the fol-  
3 lowing:

4           “(1) To reduce in-State college tuition at public  
5 institutions of higher learning and otherwise support  
6 public education, including career technical edu-  
7 cation.

8           “(2) To make transportation infrastructure im-  
9 provements.

10          “(3) To reduce taxes.

11          “(4) To promote, fund, and provide for—

12           “(A) coastal or environmental restoration;

13           “(B) fish, wildlife, and marine life habitat  
14 enhancement;

15           “(C) waterways construction and mainte-  
16 nance;

17           “(D) levee construction and maintenance  
18 and shore protection; and

19           “(E) marine and oceanographic education  
20 and research.

21          “(5) To promote, fund, and provide for—

22           “(A) infrastructure associated with energy  
23 production activities conducted on the outer  
24 Continental Shelf;

25           “(B) energy demonstration projects;

1           “(C) supporting infrastructure for shore-  
2 based energy projects;

3           “(D) State geologic programs, including  
4 geologic mapping and data storage programs,  
5 and State geophysical data acquisition;

6           “(E) State seismic monitoring programs,  
7 including operation of monitoring stations;

8           “(F) development of oil and gas resources  
9 through enhanced recovery techniques;

10          “(G) alternative energy development, in-  
11 cluding bio fuels, coal-to-liquids, oil shale, tar  
12 sands, geothermal, geopressure, wind, waves,  
13 currents, hydro, and other renewable energy;

14          “(H) energy efficiency and conservation  
15 programs; and

16          “(I) front-end engineering and design for  
17 facilities that produce liquid fuels from hydro-  
18 carbons and other biological matter.

19          “(6) To promote, fund, and provide for—

20               “(A) historic preservation programs and  
21 projects;

22               “(B) natural disaster planning and re-  
23 sponse; and

24               “(C) hurricane and natural disaster insur-  
25 ance programs.

1       “(f) NO ACCOUNTING REQUIRED.—No recipient of  
2 funds under this section shall be required to account to  
3 the Federal Government for the expenditure of such  
4 funds, except as otherwise may be required by law. How-  
5 ever, States may enact legislation providing for accounting  
6 for and auditing of such expenditures. Funds allocated  
7 under this section to States and political subdivisions may  
8 be used as matching funds for other Federal programs.

9       “(g) EFFECT OF FUTURE LAWS.—Enactment after  
10 the date of the enactment of the Energy Security and Em-  
11 ployment Act of any Federal statute that has the effect,  
12 as determined by the Secretary, of restricting any Federal  
13 agency from spending appropriated funds, or otherwise  
14 preventing it from fulfilling its preexisting responsibilities  
15 as of the date of enactment of the statute (unless such  
16 responsibilities have been reassigned to another Federal  
17 agency by the statute with no prevention of performance)  
18 to issue any permit or other approval impacting on the  
19 OCS oil and gas leasing program, or any lease issued  
20 thereunder, or to implement any provision of this Act shall  
21 automatically prohibit any payment of OCS Receipts  
22 under this section directly to States, and their coastal po-  
23 litical subdivisions, for the duration of the restriction. The  
24 Secretary shall make the determination of the existence

1 of such restricting effects within 30 days of a petition by  
2 any outer Continental Shelf lessee or producing State.

3 “(h) DEFINITIONS.—In this section:

4 “(1) ADJACENT STATE.—The term ‘Adjacent  
5 State’ means, with respect to any program, plan,  
6 lease sale, leased tract or other activity, proposed,  
7 conducted, or approved pursuant to the provisions of  
8 this Act, any State the laws of which are declared  
9 to be the law of the United States for the portion  
10 of the outer Continental Shelf on which such pro-  
11 gram, plan, lease sale, leased tract, or activity apper-  
12 tains or is, or is proposed to be, conducted.

13 “(2) ADJACENT ZONE AND STATE ADJACENT  
14 ZONE.—Each of the terms ‘Adjacent Zone’ and  
15 ‘State Adjacent Zone’ means, with respect to any  
16 program, plan, lease sale, leased tract, or other ac-  
17 tivity, proposed, conducted, or approved under this  
18 Act, the portion of the outer Continental Shelf for  
19 which the laws of a particular Adjacent State are de-  
20 clared to be the law of the United States.

21 “(3) BONUS BIDS.—The term ‘bonus bid’  
22 means all funds received by the Secretary to issue  
23 an outer Continental Shelf mineral lease.

24 “(4) COASTAL COUNTY-EQUIVALENT POLITICAL  
25 SUBDIVISION.—The term ‘coastal county-equivalent

1 political subdivision’ means a political jurisdiction  
2 immediately below the level of State government, in-  
3 cluding a county, parish, borough in Alaska, inde-  
4 pendent municipality that is not part of a county,  
5 parish, or borough in Alaska, or other equivalent  
6 subdivision of a coastal State, that lies within the  
7 coastal zone.

8 “(5) COASTAL MUNICIPAL POLITICAL SUBDIVI-  
9 SION.—The term ‘coastal municipal political subdivi-  
10 sion’ means a municipality located within and part  
11 of a county, parish, borough in Alaska, or other  
12 equivalent subdivision of a State, all or part of which  
13 coastal municipal political subdivision lies within the  
14 coastal zone.

15 “(6) COASTAL POPULATION.—The term ‘coastal  
16 population’ means the population of all coastal coun-  
17 ty-equivalent political subdivisions, as determined by  
18 the most recent official data of the Census Bureau.

19 “(7) COASTAL ZONE.—The term ‘coastal zone’  
20 means that portion of a coastal State, including the  
21 entire territory of any coastal county-equivalent po-  
22 litical subdivision at least a part of which lies, within  
23 75 miles landward from the coastline, or a greater  
24 distance as determined by State law enacted to im-  
25 plement this section.

1           “(8) OCS RECEIPTS.—The term ‘OCS Receipts’  
 2           means bonus bids and royalties, excluding royalties  
 3           from leases amended under the authority of section  
 4           8(s) of this Act.

5           “(9) PRODUCING STATE.—The term ‘producing  
 6           State’ means an Adjacent State having an Adjacent  
 7           Zone containing a leased tract from which OCS Re-  
 8           ceipts are derived.

9           “(10) ROYALTY.—The term ‘royalty’ means all  
 10          funds received by the United States from production  
 11          of oil or natural gas, or the sale of production taken  
 12          in-kind, or from net profit shares, from an outer  
 13          Continental Shelf mineral lease.”.

## 14       **Subtitle B—Arctic Coastal Plain**

### 15       **SEC. 111. DEFINITIONS.**

16       In this subtitle:

17           (1) COASTAL PLAIN.—The term “Coastal  
 18           Plain” means that area identified as the “1002  
 19           Coastal Plain Area” on the map.

20           (2) FEDERAL AGREEMENT.—The term “Fed-  
 21           eral Agreement” means the Federal Agreement and  
 22           Grant Right-of-Way for the Trans-Alaska Pipeline  
 23           issued on January 23, 1974, in accordance with sec-  
 24           tion 28 of the Mineral Leasing Act (30 U.S.C. 185)

1 and the Trans-Alaska Pipeline Authorization Act  
2 (43 U.S.C. 1651 et seq.).

3 (3) FINAL STATEMENT.—The term “Final  
4 Statement” means the final legislative environmental  
5 impact statement on the Coastal Plain, dated April  
6 1987, and prepared pursuant to section 1002 of the  
7 Alaska National Interest Lands Conservation Act  
8 (16 U.S.C. 3142) and section 102(2)(C) of the Na-  
9 tional Environmental Policy Act of 1969 (42 U.S.C.  
10 4332(2)(C)).

11 (4) MAP.—The term “map” means the map en-  
12 titled “Arctic National Wildlife Refuge”, dated Sep-  
13 tember 2005, and prepared by the United States Ge-  
14 ological Survey.

15 (5) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior (or the designee of the  
17 Secretary), acting through the Director of the Bu-  
18 reau of Land Management, in consultation with the  
19 Director of the United States Fish and Wildlife  
20 Service.

21 **SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE**  
22 **COASTAL PLAIN.**

23 (a) IN GENERAL.—The Secretary shall take such ac-  
24 tions as are necessary—



1           (1) to establish and implement, in accordance  
2           with this subtitle, a competitive oil and gas leasing  
3           program that will result in an environmentally sound  
4           program for the exploration, development, and pro-  
5           duction of the oil and gas resources of the Coastal  
6           Plain; and

7           (2) to administer this subtitle through regula-  
8           tions, lease terms, conditions, restrictions, prohibi-  
9           tions, stipulations, and other provisions that require  
10          the application of the best commercially available  
11          technology for oil and gas exploration, development,  
12          and production to all exploration, development, and  
13          production operations under this subtitle in a man-  
14          ner that ensures the receipt of fair market value by  
15          the public for the mineral resources to be leased.

16       (b) REPEAL.—

17           (1) REPEAL.—Section 1003 of the Alaska Na-  
18          tional Interest Lands Conservation Act of 1980 (16  
19          U.S.C. 3143) is repealed.

20           (2) CONFORMING AMENDMENT.—The table of  
21          contents contained in section 1 of that Act (16  
22          U.S.C. 3101 note) is amended by striking the item  
23          relating to section 1003.

24       (c) COMPLIANCE WITH REQUIREMENTS FROM CER-  
25       TAIN OTHER LAWS.—

1           (1) ADEQUACY OF THE DEPARTMENT OF THE  
2           INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT  
3           STATEMENT.—The “Final Legislative Environ-  
4           mental Impact Statement” (April 1987) on the  
5           Coastal Plain prepared pursuant to section 1002 of  
6           the Alaska National Interest Lands Conservation  
7           Act (16 U.S.C. 3142) and section 102(2)(C) of the  
8           National Environmental Policy Act of 1969 (42  
9           U.S.C. 4332(2)(C)) is deemed to satisfy the require-  
10          ments under the National Environmental Policy Act  
11          of 1969 that apply with respect to prelease activities  
12          under this subtitle, including actions authorized to  
13          be taken by the Secretary to develop and promulgate  
14          the regulations for the establishment of a leasing  
15          program authorized by this subtitle before the con-  
16          duct of the first lease sale.

17          (2) COMPLIANCE WITH NEPA FOR OTHER AC-  
18          TIONS.—

19                (A) IN GENERAL.—Before conducting the  
20                first lease sale under this subtitle, the Secretary  
21                shall prepare an environmental impact state-  
22                ment in accordance with the National Environ-  
23                mental Policy Act of 1969 (42 U.S.C. 4321 et  
24                seq.) with respect to the actions authorized by

1           this subtitle that are not referred to in para-  
2           graph (1).

3           (B) IDENTIFICATION AND ANALYSIS.—  
4           Notwithstanding any other provision of law, in  
5           carrying out this paragraph, the Secretary shall  
6           not be required—

7                     (i) to identify nonleasing alternative  
8                     courses of action; or

9                     (ii) to analyze the environmental ef-  
10                    fects of those courses of action.

11           (C) IDENTIFICATION OF PREFERRED AC-  
12           TION.—Not later than 18 months after the date  
13           of enactment of this Act, the Secretary shall—

14                    (i) identify only a preferred action and  
15                    a single leasing alternative for the first  
16                    lease sale authorized under this subtitle;  
17                    and

18                    (ii) analyze the environmental effects  
19                    and potential mitigation measures for  
20                    those 2 alternatives.

21           (D) PUBLIC COMMENTS.—In carrying out  
22           this paragraph, the Secretary shall consider  
23           only public comments that are filed not later  
24           than 20 days after the date of publication of a  
25           draft environmental impact statement.

1           (E) EFFECT OF COMPLIANCE.—Notwith-  
2           standing any other provision of law, compliance  
3           with this paragraph shall be considered to sat-  
4           isfy all requirements for the analysis and con-  
5           sideration of the environmental effects of pro-  
6           posed leasing under this subtitle.

7           (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-  
8           ITY.—Nothing in this subtitle expands or limits any State  
9           or local regulatory authority.

10          (e) SPECIAL AREAS.—

11           (1) DESIGNATION.—

12           (A) IN GENERAL.—The Secretary, after  
13           consultation with the State of Alaska, the  
14           North Slope Borough, Alaska, and the City of  
15           Kaktovik, Alaska, may designate not more than  
16           45,000 acres of the Coastal Plain as a special  
17           area if the Secretary determines that the special  
18           area would be of such unique character and in-  
19           terest as to require special management and  
20           regulatory protection.

21           (B) SADLEROCHIT SPRING AREA.—The  
22           Secretary shall designate as a special area in  
23           accordance with subparagraph (A) the  
24           Sadlerochit Spring area, comprising approxi-  
25           mately 4,000 acres as depicted on the map.

1           (2) MANAGEMENT.—The Secretary shall man-  
2       age each special area designated under this sub-  
3       section in a manner that preserves the unique and  
4       diverse character of the area, including fish, wildlife,  
5       subsistence resources, and cultural values of the  
6       area.

7           (3) EXCLUSION FROM LEASING OR SURFACE  
8       OCCUPANCY.—

9           (A) IN GENERAL.—The Secretary may ex-  
10      clude any special area designated under this  
11      subsection from leasing.

12          (B) NO SURFACE OCCUPANCY.—If the Sec-  
13      retary leases all or a portion of a special area  
14      for the purposes of oil and gas exploration, de-  
15      velopment, production, and related activities,  
16      there shall be no surface occupancy of the land  
17      comprising the special area.

18          (4) DIRECTIONAL DRILLING.—Notwithstanding  
19      any other provision of this subsection, the Secretary  
20      may lease all or a portion of a special area under  
21      terms that permit the use of horizontal drilling tech-  
22      nology from sites on lease tracts located outside the  
23      special area.

24          (f) LIMITATION ON CLOSED AREAS.—The Secretary  
25      may not close land within the Coastal Plain to oil and gas

1 leasing or to exploration, development, or production ex-  
2 cept in accordance with this subtitle.

3 (g) REGULATIONS.—

4 (1) IN GENERAL.—Not later than 15 months  
5 after the date of enactment of this Act, the Sec-  
6 retary shall promulgate such regulations as are nec-  
7 essary to carry out this subtitle, including rules and  
8 regulations relating to protection of the fish and  
9 wildlife, fish and wildlife habitat, subsistence re-  
10 sources, and environment of the Coastal Plain.

11 (2) REVISION OF REGULATIONS.—The Sec-  
12 retary shall periodically review and, as appropriate,  
13 revise the rules and regulations issued under para-  
14 graph (1) to reflect any significant biological, envi-  
15 ronmental, scientific or engineering data that come  
16 to the attention of the Secretary.

17 **SEC. 113. LEASE SALES.**

18 (a) IN GENERAL.—Land may be leased pursuant to  
19 this subtitle to any person qualified to obtain a lease for  
20 deposits of oil and gas under the Mineral Leasing Act (30  
21 U.S.C. 181 et seq.).

22 (b) PROCEDURES.—The Secretary shall, by regula-  
23 tion, establish procedures for—

24 (1) receipt and consideration of sealed nomina-  
25 tions for any area in the Coastal Plain for inclusion

1 in, or exclusion (as provided in subsection (c)) from,  
2 a lease sale;

3 (2) the holding of lease sales after that nomina-  
4 tion process; and

5 (3) public notice of and comment on designa-  
6 tion of areas to be included in, or excluded from, a  
7 lease sale.

8 (c) LEASE SALE BIDS.—Lease sales under this sub-  
9 title may be conducted through an Internet leasing pro-  
10 gram, if the Secretary determines that such a system will  
11 result in savings to the taxpayer, an increase in the num-  
12 ber of bidders participating, and higher returns than oral  
13 bidding or a sealed bidding system.

14 (d) ACREAGE MINIMUM IN FIRST SALE.—For the  
15 first lease sale under this subtitle, the Secretary shall offer  
16 for lease those tracts the Secretary considers to have the  
17 greatest potential for the discovery of hydrocarbons, tak-  
18 ing into consideration nominations received pursuant to  
19 subsection (b)(1), but in no case less than 200,000 acres.

20 (e) TIMING OF LEASE SALES.—The Secretary  
21 shall—

22 (1) not later than 22 months after the date of  
23 enactment of this Act, conduct the first lease sale  
24 under this subtitle;

1           (2) not later than 90 days after the date of the  
2           completion of such sale, evaluate the bids in the sale  
3           and issue leases resulting from the sale; and

4           (3) conduct additional lease sales under this  
5           subtitle at appropriate intervals if sufficient interest  
6           in exploration or development exists to warrant the  
7           conduct of the additional sales.

8   **SEC. 114. GRANT OF LEASES BY THE SECRETARY.**

9           (a) IN GENERAL.—On payment by a lessee of such  
10          bonus as may be accepted by the Secretary, the Secretary  
11          may grant to the highest responsible qualified bidder in  
12          a lease sale conducted pursuant to section 113 a lease for  
13          any land on the Coastal Plain.

14          (b) SUBSEQUENT TRANSFERS.—

15               (1) IN GENERAL.—No lease issued under this  
16          subtitle may be sold, exchanged, assigned, sublet, or  
17          otherwise transferred except with the approval of the  
18          Secretary.

19               (2) CONDITION FOR APPROVAL.—Before grant-  
20          ing any approval described in paragraph (1), the  
21          Secretary shall consult with and give due consider-  
22          ation to the opinion of the Attorney General.

23   **SEC. 115. LEASE TERMS AND CONDITIONS.**

24          An oil or gas lease issued pursuant to this subtitle  
25          shall—



1           (1) provide for the payment of a royalty of not  
2           less than 12½ percent of the amount or value of the  
3           production removed or sold under the lease, as de-  
4           termined by the Secretary in accordance with regula-  
5           tions applicable to other Federal oil and gas leases;

6           (2) require that each lessee of land within the  
7           Coastal Plain shall be fully responsible and liable for  
8           the reclamation of land within the Coastal Plain and  
9           any other Federal land that is adversely affected in  
10          connection with exploration, development, produc-  
11          tion, or transportation activities within the Coastal  
12          Plain conducted by the lessee or by any of the sub-  
13          contractors or agents of the lessee;

14          (3) provide that the lessee may not delegate or  
15          convey, by contract or otherwise, that reclamation  
16          responsibility and liability to another person without  
17          the express written approval of the Secretary;

18          (4) provide that the standard of reclamation for  
19          land required to be reclaimed under this subtitle  
20          shall be, to the maximum extent practicable—

21                (A) a condition capable of supporting the  
22                uses that the land was capable of supporting  
23                prior to any exploration, development, or pro-  
24                duction activities; or

1 (B) on application by the lessee, to a high-  
 2 er or better standard, as approved by the Sec-  
 3 retary;

4 (5) contain terms and conditions relating to  
 5 protection of fish and wildlife, fish and wildlife habi-  
 6 tat, subsistence resources, and the environment as  
 7 required under section 112(g)(1);

8 (6) provide that each lessee, and each agent  
 9 and contractor of a lessee, use their best efforts to  
 10 provide a fair share of employment and contracting  
 11 for Alaska Natives and Alaska Native Corporations  
 12 from throughout the State of Alaska, as determined  
 13 by the level of obligation previously agreed to in the  
 14 Federal Agreement; and

15 (7) contain such other provisions as the Sec-  
 16 retary determines to be necessary to ensure compli-  
 17 ance with this subtitle and the regulations promul-  
 18 gated under this subtitle.

19 **SEC. 116. EXPEDITED JUDICIAL REVIEW.**

20 (a) FILING OF COMPLAINTS.—

21 (1) DEADLINE.—A complaint seeking judicial  
 22 review of a provision of this subtitle or an action of  
 23 the Secretary under this subtitle shall be filed—

24 (A) except as provided in subparagraph

25 (B), during the 90-day period beginning on the

1 date on which the action being challenged was  
2 carried out; or

3 (B) in the case of a complaint based solely  
4 on grounds arising after the 90-day period de-  
5 scribed in subparagraph (A), by not later than  
6 90 days after the date on which the complain-  
7 ant knew or reasonably should have known  
8 about the grounds for the complaint.

9 (2) VENUE.—A complaint seeking judicial re-  
10 view of a provision of this subtitle or an action of  
11 the Secretary under this subtitle shall be filed in the  
12 United States District Court for the District of Co-  
13 lumbia.

14 (3) SCOPE.—

15 (A) IN GENERAL.—Judicial review of a de-  
16 cision of the Secretary relating to a lease sale  
17 under this subtitle (including an environmental  
18 analysis of such a lease sale) shall be—

19 (i) limited to a review of whether the  
20 decision is in accordance with this subtitle;  
21 and

22 (ii) based on the administrative record  
23 of the decision.

24 (B) PRESUMPTIONS.—Any identification  
25 by the Secretary of a preferred course of action

1 relating to a lease sale, and any analysis by the  
 2 Secretary of environmental effects, under this  
 3 subtitle shall be presumed to be correct unless  
 4 proven otherwise by clear and convincing evi-  
 5 dence.

6 (b) LIMITATION ON OTHER REVIEW.—Any action of  
 7 the Secretary that is subject to judicial review under this  
 8 section shall not be subject to judicial review in any civil  
 9 or criminal proceeding for enforcement.

10 (c) RELATIONSHIP TO OTHER PROVISIONS.—Subtitle  
 11 B of title II shall not affect the application of this section.

12 **SEC. 117. RIGHTS-OF-WAY AND EASEMENTS ACROSS THE**  
 13 **COASTAL PLAIN.**

14 (a) IN GENERAL.—The Secretary shall issue rights-  
 15 of-way and easements across the Coastal Plain for the  
 16 transportation of oil and gas—

17 (1) except as provided in paragraph (2), under  
 18 section 28 of the Mineral Leasing Act (30 U.S.C.  
 19 185), without regard to title XI of the Alaska Na-  
 20 tional Interest Lands Conservation Act (16 U.S.C.  
 21 3161 et seq.); and

22 (2) under title XI of the Alaska National Inter-  
 23 est Lands Conservation Act (16 U.S.C. 3161 et  
 24 seq.), for access authorized by sections 1110 and  
 25 1111 of that Act (16 U.S.C. 3170, 3171).

1 (b) REGULATIONS.—The Secretary shall include in  
2 regulations under section 112(g) provisions governing the  
3 granting of rights-of-way and easements described in sub-  
4 section (a).

5 **SEC. 118. CONVEYANCE.**

6 Notwithstanding section 1302(h)(2) of the Alaska  
7 National Interest Lands Conservation Act (16 U.S.C.  
8 3192(h)(2)), to remove any cloud on title to land, and to  
9 clarify land ownership patterns in the Coastal Plain, the  
10 Secretary shall—

11 (1) to the extent necessary to fulfill the entitle-  
12 ment of the Kaktovik Inupiat Corporation under sec-  
13 tions 12 and 14 of the Alaska Native Claims Settle-  
14 ment Act (43 U.S.C. 1611, 1613), as determined by  
15 the Secretary, convey to that Corporation the sur-  
16 face estate of the land described in paragraph (1) of  
17 Public Land Order 6959, in accordance with the  
18 terms and conditions of the agreement between the  
19 Secretary, the United States Fish and Wildlife Serv-  
20 ice, the Bureau of Land Management, and the  
21 Kaktovik Inupiat Corporation, dated January 22,  
22 1993; and

23 (2) convey to the Arctic Slope Regional Cor-  
24 poration the remaining subsurface estate to which  
25 that Corporation is entitled under the agreement be-

1       tween that corporation and the United States, dated  
 2       August 9, 1983.

3       **TITLE II—REVOCATION OF EN-**  
 4       **ERGY-RESTRICTING       BLM**  
 5       **LOCKUP**

6       **Subtitle A—Expedited Shale**  
 7       **Leasing of Federal Lands**

8       **SEC. 201. OPENING OF LANDS TO OIL SHALE LEASING.**

9       (a) REPEAL OF LIMITATION ON USE OF FUNDS.—  
 10      Section 433 of division F of the Consolidated Appropria-  
 11      tions Act, 2008 (Public Law 110–161; 121 Stat. 2152)  
 12      is repealed.

13      (b) ISSUANCE OF REGULATIONS.—The Secretary of  
 14      the Interior shall issue all regulations necessary to imple-  
 15      ment section 369 of the Energy Policy Act of 2005 (42  
 16      U.S.C. 15927) with respect to oil shale by not later than  
 17      60 days after the date of the enactment of this Act. Such  
 18      regulations shall include such safeguards and assurances  
 19      as the Secretary considers necessary to allow States to ex-  
 20      ercise their regulatory and statutory authorities under  
 21      State law, consistent with otherwise applicable Federal  
 22      law.

23      (c) LEASING OF OIL SHALE RESOURCE.—Imme-  
 24      diately after issuing regulations under subsection (b), the  
 25      Secretary of the Interior shall—

1           (1) offer for leasing for research and develop-  
2           ment of oil shale resources under subsection (c) of  
3           section 369 of the Energy Policy Act of 2005 (42  
4           U.S.C. 15927), additional 160-acre tracts of lands  
5           the Secretary considers necessary to fulfill the re-  
6           search and development objectives of such Act; and

7           (2) offer for leasing for commercial exploration,  
8           development, and production of oil shale resources  
9           under subsection (e) of such section, public lands in  
10          States for which the Secretary finds sufficient sup-  
11          port and interest as required by that subsection.

12           **Subtitle B—Judicial Review**  
13           **Regarding Energy Projects**

14   **SEC. 211. DEFINITIONS.**

15           In this subtitle:

16           (1) The term “covered civil action” means a  
17           civil action containing a claim under section 702 of  
18           title 5, United States Code, regarding agency action  
19           (as defined for the purposes of that section) affect-  
20           ing a covered energy project on Federal lands of the  
21           United States.

22           (2) The term “covered energy project” means  
23           any action or decision by the President or a Federal  
24           official regarding the leasing of Federal lands (in-  
25           cluding submerged lands) for the exploration, devel-

1        opment, production, processing, or transmission of  
2        oil, natural gas, or any other source or form of en-  
3        ergy, including actions and decisions regarding the  
4        selection or offering of Federal lands for such leas-  
5        ing, or any action under such a lease, except that  
6        the term does not include any disputes between the  
7        parties to a lease regarding the obligations under  
8        such lease, including regarding any alleged breach of  
9        the lease.

10    **SEC. 212. JURISDICTION OVER CAUSES AND CLAIMS RELAT-**  
11                            **ING TO COVERED ENERGY PROJECTS.**

12        Venue for any covered civil action shall lie in the dis-  
13        trict court where a project or lease tract exists or is pro-  
14        posed.

15    **SEC. 213. TIME FOR FILING COMPLAINT.**

16        All causes and claims arising from a covered energy  
17        project must be filed not later than the end of the 90-  
18        day period beginning on the date of the action or decision  
19        by a Federal official that constitutes the covered energy  
20        project concerned. Any cause or claim not filed within that  
21        time period shall be barred.

22    **SEC. 214. EXPEDITION IN HEARING AND DETERMINING THE**  
23                            **ACTION.**

24        The court shall endeavor to hear and determine any  
25        covered civil action as expeditiously as possible.



1 **SEC. 215. STANDARD OF REVIEW.**

2 In any judicial review of a covered civil action, admin-  
3 istrative findings and conclusions relating to the chal-  
4 lenged Federal action or decision shall be presumed to be  
5 correct, and the presumption may be rebutted only by  
6 clear and convincing evidence contained in the administra-  
7 tive record.

8 **SEC. 216. LIMITATION ON INJUNCTION AND PROSPECTIVE**  
9 **RELIEF.**

10 In a covered civil action, the court shall not grant  
11 or approve any prospective relief unless the court finds  
12 that such relief is narrowly drawn, extends no further than  
13 necessary to correct the violation of a legal requirement,  
14 and is the least intrusive means necessary to correct that  
15 violation. In addition, a court shall limit the duration of  
16 a preliminary injunction to halt a covered energy projects  
17 to no more than 60 days, unless the court finds clear rea-  
18 sons to extend the injunction. In such case of an extension,  
19 such extension shall only be in a 30-day increment and  
20 shall require action by the court to renew the injunction.

21 **SEC. 217. LIMITATION ON ATTORNEYS' FEES.**

22 Sections 504 of title 5, United States Code, and 2412  
23 of title 28, United States Code, (together commonly called  
24 the Equal Access to Justice Act) do not apply to a covered  
25 civil action, nor shall any party in such a covered civil ac-

tion receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

**SEC. 218. LEGAL STANDING.**

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

**Subtitle C—Permitting Reform**

**SEC. 221. PURPOSES.**

The purposes of this subtitle are to—

(1) respond to the Nation's increased need for domestic energy resources;

(2) facilitate interagency coordination and cooperation in the processing of permits required to support oil and gas use authorization on Federal lands, both onshore and on the Outer Continental Shelf, in order to achieve greater consistency, certainty, and timeliness in permit processing requirements;

(3) promote process streamlining and increased interagency efficiency, including elimination of interagency duplication of effort;

(4) improve information sharing among agencies and understanding of respective agency roles and responsibilities;

1           (5) promote coordination with State agencies  
2           with expertise and responsibilities related to Federal  
3           oil and gas permitting decisions;

4           (6) promote responsible stewardship of Federal  
5           oil and gas resources;

6           (7) maintain high standards of safety and envi-  
7           ronmental protection; and

8           (8) enhance the benefits to Federal permitting  
9           already occurring as a result of a coordinated and  
10          timely interagency process for oil and gas permit re-  
11          view for certain Federal oil and gas leases.

12 **SEC. 222. FEDERAL COORDINATOR.**

13          (a) ESTABLISHMENT.—There is established, as an  
14          independent agency in the Executive Branch, the Office  
15          of the Federal Oil and Gas Permit Coordinator.

16          (b) FEDERAL PERMIT COORDINATOR.—The Office  
17          shall be headed by a Federal Permit Coordinator, who  
18          shall be appointed by the President within 90 days after  
19          the date of enactment of this Act.

20          (c) DUTIES.—The Federal Permit Coordinator shall  
21          be responsible for the following:

22                (1) Coordinating the timely completion of all  
23                permitting activities by Federal agencies, and State  
24                agencies to the maximum extent practicable, with re-  
25                spect to any oil and gas project under a Federal

1 lease issued pursuant to the mineral leasing laws, ei-  
2 ther onshore or on the Outer Continental Shelf, in-  
3 cluding (for purposes of this subtitle only) any oil  
4 shale project under a Federal oil shale lease.

5 (2) Ensuring the compliance of Federal agen-  
6 cies, and State agencies to the extent they partici-  
7 pate, with this subtitle.

8 **SEC. 223. REGIONAL OFFICES AND REGIONAL PERMIT CO-**  
9 **ORDINATORS.**

10 (a) REGIONAL OFFICES.—Within 90 days after the  
11 date of appointment of the Federal Permit Coordinator,  
12 the Secretary of the Interior, in consultation with the Fed-  
13 eral Permit Coordinator, shall establish regional offices to  
14 coordinate review of Federal permits for oil and gas  
15 projects on Federal lands onshore and on the Outer Conti-  
16 nental Shelf.

17 (b) NUMBER AND LOCATION OF REGIONAL OF-  
18 FICES.—The number of regional offices shall be estab-  
19 lished by the Secretary in consultation with the Federal  
20 Permit Coordinator. The Secretary shall ensure that there  
21 is an adequate number of offices in each region proximate  
22 to available Federal oil and gas lease tracts onshore and  
23 on the Outer Continental Shelf to meet the demands for  
24 expeditious permitting in that region. The Secretary shall  
25 designate as regional offices under this section all offices

1 established under section 365 of the Energy Policy Act  
2 of 2005 (42 U.S.C. 15924).

3 (c) MEMORANDUM OF UNDERSTANDING.—Within 90  
4 days after the appointment of the Federal Permit Coordi-  
5 nator, the Federal Permit Coordinator, the Secretary, the  
6 Secretary of Agriculture, the Secretary of Commerce, the  
7 Secretary of Homeland Security, the Administrator of the  
8 Environmental Protection Agency, the Secretary of De-  
9 fense, and the head of any other Federal agency with re-  
10 sponsibilities related to permitting of Federal oil and gas  
11 leases, shall enter into a memorandum of understanding  
12 establishing respective duties and responsibilities for staff-  
13 ing the regional offices and accomplishing the objectives  
14 of this section.

15 (d) DESIGNATION OF QUALIFIED STAFF.—

16 (1) IN GENERAL.—Not later than 30 days after  
17 the date of signing of the MOU, all Federal signa-  
18 tory agencies shall assign to each regional office the  
19 appropriate employees with expertise in the oil and  
20 gas permitting issues relating to that office, includ-  
21 ing, but not limited to, with respect to—

22 (A) consultation and preparation of bio-  
23 logical opinions under section 7 of the Endan-  
24 gered Species Act of 1973 (16 U.S.C. 1536);

1 (B) permits under section 404 of Federal  
2 Water Pollution Control Act (33 U.S.C. 1344);

3 (C) regulatory matters under the Clean Air  
4 Act (42 U.S.C. 7401 et seq.);

5 (D) planning under the National Forest  
6 Management Act of 1976 (16 U.S.C. 472a et  
7 seq.);

8 (E) the preparation of analyses under the  
9 National Environmental Policy Act of 1969 (42  
10 U.S.C. 4321 et seq.);

11 (F) applications for permits to drill under  
12 the Mineral Leasing Act (30 U.S.C. 181 et  
13 seq.); and

14 (G) exploration plans and development and  
15 production plans under the Outer Continental  
16 Shelf Lands Act (43 U.S.C. 1331 et seq.).

17 (2) PREFERENCE AND INCENTIVES.—To the  
18 maximum extent practicable, for purposes of this  
19 subsection, Federal agencies shall give preference to  
20 employees volunteering for reassignment to the re-  
21 gional offices, and shall offer incentives to attract  
22 and retain regional office employees, including, but  
23 not limited to, retaining contract employees, rota-  
24 tional assignments, salary incentives of up to 120  
25 percent of an employee's existing salary immediately

1 prior to reassignment, or any combination of strate-  
2 gies.

3 (e) DUTIES.—Each employee assigned under sub-  
4 section (d) shall—

5 (1) within 90 days after the date of assignment,  
6 report to the regional office to which the employee  
7 is assigned;

8 (2) be responsible for all issues relating to the  
9 jurisdiction of the home office or agency of the em-  
10 ployee; and

11 (3) participate as part of the team working on  
12 proposed oil and gas projects, planning, and environ-  
13 mental analyses.

14 (f) CREATION OF AND DELEGATION OF AUTHORITY  
15 TO REGIONAL PERMIT COORDINATORS.—The Federal  
16 Permit Coordinator shall appoint a Regional Permit Coor-  
17 dinator to be located within each regional office estab-  
18 lished under this section, with full authority to act on be-  
19 half of the Federal Permit Coordinator.

20 (g) ADDITIONAL PERSONNEL.—The Federal Permit  
21 Coordinator or Regional Permit Coordinators may at any  
22 time direct that any Federal agency party to the MOU  
23 under subsection (c) assign additional staff required to im-  
24 plement the duties of the regional offices.

1 **SEC. 224. REVIEWS AND ACTIONS OF FEDERAL AGENCIES.**

2 (a) SCHEDULES FOR TIMELY PERMIT DECISION-  
3 MAKING.—Within 10 days after the date on which the Sec-  
4 retary receives any oil and gas permit application or  
5 amended application, the Secretary shall either notify the  
6 applicant that the application is complete or notify the ap-  
7 plicant that information is missing and specify the infor-  
8 mation that is required to be submitted for the application  
9 to be complete. Within 30 days after notifying a permit  
10 applicant that an application is complete, the Secretary,  
11 in consultation with the permit applicant as necessary,  
12 shall determine and inform the Regional Permit Coordi-  
13 nator responsible for that project area whether the pro-  
14 posed permit is a class I, class II, or class III permit. The  
15 Regional Permit Coordinator shall as soon as possible but  
16 in no event later than 30 days following the Secretary's  
17 determination establish a binding schedule to ensure the  
18 most expeditious possible review and processing of the re-  
19 quested permit, in accordance with this section.

20 (b) PERMIT CLASSES AND SCHEDULES.—

21 (1) CLASS I PERMITS.—An oil and gas permit  
22 shall be designated as a class I permit under this  
23 section if the permitted activity is of a nature that  
24 would typically require preparation of an environ-  
25 mental impact statement under NEPA to inform the  
26 permitting decision. For such permits, the Regional



1 Permit Coordinator shall establish a schedule for  
2 timely completion of all permit reviews and proc-  
3 essing, not to exceed 30 months. The Regional Per-  
4 mit Coordinator shall make the schedule publicly  
5 available within 10 days after the schedule is estab-  
6 lished.

7 (2) CLASS II PERMITS.—An oil and gas permit  
8 shall be designated as a class II permit under this  
9 section if the permitted activity is of a nature that  
10 would typically be found not to significantly affect  
11 the quality of the human environment under NEPA.  
12 For such permits, the Regional Permit Coordinator  
13 shall establish the most expeditious schedule possible  
14 for completion of all permit reviews and processing,  
15 not to exceed 90 days. The Regional Permit Coordi-  
16 nator may grant a one-time extension of that sched-  
17 ule, not to exceed 60 days, upon a good cause show-  
18 ing that additional time is necessary to complete  
19 permit decisions. Not later than 15 days after estab-  
20 lishing or extending any schedule for a class II per-  
21 mit, the Regional Permit Coordinator shall provide  
22 the permit applicant with the schedule.

23 (3) CLASS III PERMITS.—Notwithstanding para-  
24 graphs (1) and (2), an oil and gas permit shall be  
25 designated as a class III permit under this section

1 if the permitted activity either qualifies for a statu-  
2 tory or regulatory categorical exclusion under NEPA  
3 or if the requirements under NEPA and other appli-  
4 cable law for the permit have been completed within  
5 30 days after the date of a complete application. For  
6 such permits, the permit shall be issued within 30  
7 days after the date of a complete application.

8 (4) RECLASSIFICATION OF CLASS II PERMIT.—

9 If prior to the expiration of the established schedule  
10 for a class II permit newly discovered information  
11 indicates that the class II permit will significantly  
12 affect the quality of the human environment, the  
13 Secretary may, in consultation with the permit appli-  
14 cant, reclassify the permit as a class I permit under  
15 paragraph (1), and the Regional Coordinator shall  
16 establish an amended schedule that complies with  
17 the provisions of that paragraph.

18 (c) REPORTING.—The Regional Permit Coordinators  
19 shall include data on all schedule timing and compliance  
20 in their reports to the Federal Permit Coordinator re-  
21 quired under subsection (i), who shall include such data  
22 in the report to the President and Congress required  
23 under subsection (i).

24 (d) DISPUTE RESOLUTION.—The Regional Permit  
25 Coordinator shall resolve all administrative issues that af-

fect oil and gas permit reviews. The Regional Permit Coordinator shall report jointly to the Federal Permit Coordinator and to the head of the relevant action agency, or his or her designee, for resolution of any issue regarding an oil and gas permit that may result in missing the schedule deadlines established pursuant to subsection (b). The Regional Permit Coordinators shall include data regarding the incidence and resolution of disputes under this subsection in their reports to the Federal Permit Coordinator required under subsection (i), who shall include such reported data and develop recommendations in the report to the President and Congress required under subsection (i).

(e) REMEDIES.—An applicant for a class I permit may bring a cause of action to seek expedited mandamus review, if a Regional Permit Coordinator or the Secretary fails to—

(1) establish a schedule in accordance with subsection (b);

(2) enforce and ensure completion of reviews within schedule deadlines; or

(3) take all actions as are necessary and proper to avoid jeopardizing the timely completion of the entire schedule.

1 If an agency fails to complete its review of and issue a  
2 decision upon a permit within the schedule established by  
3 the court, that permit shall be deemed granted to the ap-  
4 plicant.

5 (f) PROHIBITION OF CERTAIN TERMS AND CONDI-  
6 TIONS.—No Federal agency may include in any permit,  
7 right-of-way, or other authorization issued for an oil and  
8 gas project subject to the provisions of this subtitle, any  
9 term or condition that may be authorized, but is not re-  
10 quired, by the provisions of any applicable law, if the Fed-  
11 eral Permit Coordinator determines that such term or con-  
12 dition would prevent or impair in any significant respect  
13 completion of a permit review within the time schedule es-  
14 tablished pursuant to subsection (b) or would otherwise  
15 impair in any significant respect expeditious oil and gas  
16 development.

17 (g) CONSOLIDATED RECORD.—The Federal Permit  
18 Coordinator, acting through the appropriate Regional Per-  
19 mit Coordinator, with the cooperation of Federal and  
20 State administrative officials and agencies, shall maintain  
21 a complete, consolidated record of all decisions made or  
22 actions taken by the Federal Permit Coordinator or Re-  
23 gional Permit Coordinator or by any Federal agency with  
24 respect to any oil and gas permit.

1 (h) RELATIONSHIP TO NEPA AND ENERGY POLICY  
2 ACT OF 2005.—

3 (1) Section 390(a) of the Energy Policy Act of  
4 2005 (42 U.S.C. 15942(a)) is amended—

5 (A) by striking “rebuttable presumption  
6 that the use of a”; and

7 (B) by striking “would apply”.

8 (2) Section 17(p) of the Mineral Leasing Act  
9 (30 U.S.C. 226(p)) is repealed.

10 (i) ADDITIONAL POWERS AND RESPONSIBILITIES.—

11 (1) REGIONAL PERMIT COORDINATOR RE-  
12 PORTS.—The Regional Permit Coordinators shall  
13 each submit a report to the Federal Permit Coordi-  
14 nator by December 31 of each year that documents  
15 each office’s performance in meeting the objectives  
16 under this subtitle, including recommendations to  
17 further streamline the permitting process.

18 (2) REDIRECTION OF PRIORITIES OR RE-  
19 SOURCES.—In order to expedite overall permitting  
20 activity, the Federal Permit Coordinator may redi-  
21 rect the priority of regional office activities or the al-  
22 location of resources among such offices, and shall  
23 engage the agencies that are parties to the MOU to  
24 the extent such adjustments implicate their respec-  
25 tive staffs or resources.

1           (3) REPORT TO CONGRESS.—Beginning 3 years  
2           after the date of enactment of this Act, the Federal  
3           Permit Coordinator shall prepare and submit a re-  
4           port to the President and Congress by April 15 of  
5           each year that outlines the results achieved under  
6           this subtitle and makes recommendations to the  
7           President and Congress for further improvements in  
8           processing oil and gas permits on Federal lands.

9   **SEC. 225. STATE COORDINATION.**

10          The Governor of any State wherein an oil and gas  
11          operation may require a Federal permit, or the coastline  
12          of which is in immediate geographic proximity to oil and  
13          gas operations on the Outer Continental Shelf, may be a  
14          signatory to the MOU for purposes of fulfilling any State  
15          responsibilities with respect to Federal oil and gas permit-  
16          ting decisions. The Regional Permit Coordinators shall fa-  
17          cilitate and coordinate concurrent State reviews of re-  
18          quested permits for oil and gas projects on the Outer Con-  
19          tinental Shelf.

20   **SEC. 226. SAVINGS PROVISION.**

21          Except as expressly stated, nothing in this subtitle  
22          affects—

23                (1) the applicability of any Federal or State  
24          law; or

1           (2) any delegation of authority made by the  
2           head of a Federal agency the employees of which are  
3           participating in the implementation of this section.

4 **SEC. 227. ADMINISTRATIVE AND JUDICIAL REVIEW.**

5           (a) ADMINISTRATIVE REVIEW.—Any oil and gas per-  
6           mitting decision for Federal lands onshore or on the Outer  
7           Continental Shelf that was issued in accordance with the  
8           procedures established by this subtitle shall not be subject  
9           to further administrative review within the respective Fed-  
10          eral agency responsible for that decision, and shall be the  
11          final decision of that agency for purposes of judicial re-  
12          view.

13          (b) EXCLUSIVE JURISDICTION OVER PERMIT DECI-  
14          SIONS.—Only the United States District Court for the  
15          District of Columbia shall have original jurisdiction over  
16          any civil action for the review of such a permit decision.

17          (c) LIMITATIONS ON CLAIMS.—Notwithstanding any  
18          other provision of law, any action arising under Federal  
19          law seeking judicial review of a permit, license, or approval  
20          issued by a Federal agency for an oil and gas permit sub-  
21          ject to this subtitle shall be barred unless it is filed within  
22          90 days after the date of the decision. Nothing in this  
23          subtitle creates a right to judicial review or places any  
24          limit on filing a claim that a person has violated the terms  
25          of a permit, license, or approval.

1 (d) FILING OF RECORD.—When any civil action is  
2 brought pursuant to this subtitle, the Federal Permit Co-  
3 ordinator shall immediately prepare for the court a con-  
4 solidated record.

5 (e) EXPEDITED REVIEW.—The court shall endeavor  
6 to hear and determine any action for judicial review chal-  
7 lenging a decision approved pursuant to this section as  
8 expeditiously as possible.

9 (f) EXPEDITED MANDAMUS REVIEW.—Notwith-  
10 standing subsection (e), within 30 days after the filing of  
11 an action challenging or seeking to enforce an established  
12 permit review schedule for a class I permit, the court shall  
13 issue a decision either compelling permit issuance or sanc-  
14 tioning the delay and establishing a new schedule that en-  
15 ables the most expeditious possible completion of pro-  
16 ceedings. In rendering its decision, the court shall review  
17 whether the agencies subject to the schedule have been  
18 acting in good faith, whether the permit applicant has  
19 been cooperating fully with the agencies that are respon-  
20 sible for issuing the requested permits, and any other rel-  
21 evant matters. The court may issue orders to enforce any  
22 schedule it establishes under this subsection.

23 (g) NO PRIVATE RIGHT OF ACTION.—This subtitle  
24 shall not be construed to create any additional right, ben-  
25 efit, or trust responsibility, substantive or procedural, en-



1 forceable at law or equity, by a person against the United  
2 States, its agencies, its officers, or any person.

3 (h) FINALITY OF LEASING DECISIONS.—Notwith-  
4 standing the provisions of any law or regulation to the  
5 contrary, a decision by the Department of the Interior to  
6 issue a Final Notice of Sale and proceed with an oil and  
7 gas lease sale pursuant to any mineral leasing law shall  
8 not be subject to further administrative review within the  
9 Department of the Interior, and shall be the final decision  
10 of the agency for purposes of judicial review.

11 **SEC. 228. AMENDMENTS TO PUBLICATION PROCESS.**

12 Section 18 of the Outer Continental Shelf Lands Act  
13 (43 U.S.C. 1344) is amended—

14 (1) by amending subsection (c)(2) to read as  
15 follows:

16 “(2) The Secretary shall publish a proposed leasing  
17 program in the Federal Register, and shall submit a copy  
18 of such proposed program to the Governor of each affected  
19 State, for review and comment. The Governor of a State  
20 may solicit comments from those executives of local gov-  
21 ernments of the State that the Governor, in the Governor’s  
22 discretion, determines will be affected by the proposed pro-  
23 gram.”;

24 (2) by striking subsection (c)(3); and

1 (3) in subsection (d)(2) by inserting “final”  
 2 after “proposed”.

3 **SEC. 229. DEFINITIONS.**

4 In this subtitle:

5 (1) MOU.—The term “MOU” means the  
 6 memorandum of understanding entered into under  
 7 section 223(c).

8 (2) NEPA.—The term “NEPA” means the Na-  
 9 tional Environmental Policy Act of 1969 (42 U.S.C.  
 10 4321 et seq.).

11 (3) SECRETARY.—The term “Secretary” means  
 12 the Secretary of the Interior.

13 **TITLE III—RELIEF FROM REGU-**  
 14 **LATIONS AND PROHIBITIONS**  
 15 **THAT CAUSE ARTIFICIAL**  
 16 **PRICE INCREASES**

17 **Subtitle A—Relief From EPA Cli-**  
 18 **mate Change Regulations and**  
 19 **Federal Prohibitions on Syn-**  
 20 **thetic Fuels**

21 **SEC. 301. REPEAL OF EPA CLIMATE CHANGE REGULATION.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-  
 24 trator” means the Administrator of the Environ-  
 25 mental Protection Agency.

1           (2) GREENHOUSE GAS.—The term “greenhouse  
2       gas” means any of the following:

3           (A) Carbon dioxide.

4           (B) Methane.

5           (C) Nitrous oxide.

6           (D) Sulfur hexafluoride.

7           (E) Any hydrofluorocarbon.

8           (F) Any perfluorocarbon.

9           (G) Nitrogen trifluoride.

10          (H) Any other substance subject to regula-  
11       tion, action, or consideration due to the con-  
12       tribution of the substance to climate change.

13          (3) STATIONARY SOURCE.—The term “sta-  
14       tionary source” has the meaning given the term in  
15       section 302 of the Clean Air Act (42 U.S.C. 7602).

16       (b) REGULATION OF GREENHOUSE GASES.—

17           (1) REGULATION, ACTION, AND CONSIDERATION  
18       FOR EFFECTS OTHER THAN CLIMATE CHANGE.—

19           (A) IN GENERAL.—Except as provided in  
20       subparagraph (B), the President or the head of  
21       a Federal department or agency may not pro-  
22       mulgate regulations providing for the control of  
23       emissions of a greenhouse gas, enforce or imple-  
24       ment any law (including a regulation) enacted  
25       or promulgated as of the date of enactment of

1           this Act that provides for the control of emis-  
2           sions of a greenhouse gas, take action relating  
3           to or take into consideration the climate effects  
4           of emissions of a greenhouse gas, consider cli-  
5           mate effects in implementing or enforcing any  
6           law (including a regulation), or condition or  
7           deny any approval based on climate effects.

8           (B) EXCEPTION.—The limitation under  
9           subparagraph (A) does not prohibit—

10           (i) regulation of, action with respect  
11           to, or consideration of a greenhouse gas  
12           under title VI of the Clean Air Act (42  
13           U.S.C. 7671 et seq.) other than for the po-  
14           tential or actual effect of the greenhouse  
15           gas on climate change; or

16           (ii) voluntary incentive programs to  
17           promote the development or deployment of  
18           technologies that reduce greenhouse gas  
19           emissions.

20           (C) EXCLUSIVE AUTHORITY; CAFE REGU-  
21           LATIONS; CHALLENGES TO RULES.—

22           (i) EXCLUSIVE AUTHORITY.—The au-  
23           thority of the Secretary of Transportation  
24           under chapter 329 of title 49, United  
25           States Code—

1 (I) does not include any authority  
2 with respect to greenhouse gases; and

3 (II) is unaffected by this section.

4 (ii) CAFE REGULATIONS.—Notwith-  
5 standing any provision to the contrary in  
6 this Act, the requirements set forth in the  
7 final rule entitled “Light-Duty Vehicle  
8 Greenhouse Gas Emission Standards and  
9 Corporate Average Fuel Economy Stand-  
10 ards; Final Rule” (75 Fed. Reg. 25324  
11 (May 7, 2010)), and the final rule entitled  
12 “2017 and Later Model Year Light-Duty  
13 Vehicle Greenhouse Gas Emissions and  
14 Corporate Average Fuel Economy Stand-  
15 ards” (77 Fed. Reg. 62624 (October 15,  
16 2012)), shall remain in effect without fur-  
17 ther modification or revision.

18 (iii) CHALLENGES TO RULES.—Noth-  
19 ing in this paragraph affects—

20 (I) any challenge to the final rule  
21 described in clause (ii) that—

22 (aa) as of the date of enact-  
23 ment of this Act, is pending in  
24 court; or

1 (bb) is filed after that date  
2 of enactment; or

3 (II) any pending or future chal-  
4 lenge to any current or future rules  
5 promulgated under the authority re-  
6 ferred to in clause (i).

7 (D) CERTAIN PRIOR AGENCY ACTIONS.—  
8 Except as provided in subparagraph (C), each  
9 rule promulgated and action taken by the Ad-  
10 ministrator before the date of enactment of this  
11 Act to regulate greenhouse gases for effects re-  
12 lating to atmospheric concentrations of green-  
13 house gases (including climate change), shall  
14 have no force or effect.

15 (E) REGULATION UNDER OTHER PROVI-  
16 SIONS.—

17 (i) IN GENERAL.—Neither the regula-  
18 tions referred to in subparagraph (C)(ii)  
19 nor any other provision of law (including a  
20 regulation) or action relating to greenhouse  
21 gases shall—

22 (I) have any impact on the regu-  
23 lation of stationary sources under title  
24 I of the Clean Air Act (42 U.S.C.  
25 7401 et seq.); or

1 (II) be considered to be the regu-  
2 lation of pollutants under that Act  
3 (42 U.S.C. 7401 et seq.) for any pur-  
4 pose (other than for the regulation of  
5 greenhouse gas emissions for light-  
6 duty motor vehicles from model years  
7 2012 and later, as required by the  
8 rules described in subparagraph  
9 (C)(ii)), including for the purpose of  
10 issuing permits or establishing regu-  
11 latory standards.

12 (ii) REQUESTS FOR WAIVERS.—Sec-  
13 tion 209(b) of the Clean Air Act (42  
14 U.S.C. 7543(b)) is amended by adding at  
15 the end the following:

16 “(4) REQUESTS FOR WAIVERS.—Notwith-  
17 standing any other provision of this Act or any other  
18 law—

19 “(A) no request for a waiver of the appli-  
20 cation of this section by any State for stand-  
21 ards to control emissions of any air pollutant  
22 that is a greenhouse gas (as defined in section  
23 301 of the Energy Security and Employment  
24 Act) from new motor vehicles or new motor ve-

1           hicle engines of model year 2017 or later may  
2           be granted by the Administrator; and

3           “(B) no grant of any waiver by the Admin-  
4           istrator before the date of enactment of this  
5           paragraph shall be considered by the Adminis-  
6           trator, the requesting State, or any court as  
7           waiving the application of subsection (a), or any  
8           other provision of this section, to standards  
9           adopted by the State for control of emissions of  
10          any air pollutant that is a greenhouse gas (as  
11          defined in section 301 of the Energy Security  
12          and Employment Act) from new motor vehicles  
13          or new motor vehicle engines of model year  
14          2017 or later.”.

15                 (F) IMPACTS ON STATE LAWS.—

16                 (i) IN GENERAL.—Any provision of a  
17                 State implementation plan designating  
18                 greenhouse gases as pollutants that are  
19                 subject to regulation or as regulated pollut-  
20                 ants, or otherwise authorizing or requiring  
21                 limitations on the emission of greenhouse  
22                 gases under State law—

23                         (I) shall not be federally enforce-  
24                         able;



1 (II) shall not be deemed to be  
2 Federal law; and

3 (III) shall be deemed to be  
4 stricken from the State implementa-  
5 tion plan.

6 (ii) AUTHORITY OF STATES.—

7 (I) IN GENERAL.—Subject to  
8 subclause (II), nothing in this section  
9 affects any State law (including a reg-  
10 ulation) or the authority of any State  
11 to adopt a law or promulgate a regu-  
12 lation.

13 (II) AUTHORITY OF ADMINIS-  
14 TRATOR.—Notwithstanding subclause  
15 (I), the Administrator shall have no  
16 authority to approve or make federally  
17 enforceable any provision of a State  
18 implementation plan requiring the  
19 control of greenhouse gas emissions.

20 (III) AMENDMENT OF EXISTING  
21 LAWS.—If, as a result of the regula-  
22 tions described in subparagraph (D),  
23 a State adopted any law (including a  
24 regulation) designating greenhouse  
25 gases as pollutants that are subject to

1 regulation or as regulated pollutants,  
2 or authorizing or requiring limitations  
3 on the emission of greenhouse gases  
4 under State law, the State may  
5 amend the adopted law to remove any  
6 restrictions on greenhouse gas emis-  
7 sions.

8 (iii) FEDERALIZATION OF SIP RE-  
9 QUIREMENTS.—The Administrator shall  
10 have no authority to approve or make fed-  
11 erally enforceable any provision of a State  
12 implementation plan requiring the control  
13 of greenhouse gas emissions.

14 (G) PRESIDENTIAL FINDINGS AND CON-  
15 CLUSIONS.—Except as authorized by this para-  
16 graph or another Act of Congress, the Presi-  
17 dent or the head of a Federal department or  
18 agency may not examine or make findings or  
19 conclusions, for purposes of promulgating or  
20 issuing policy, guidance, or regulations to ad-  
21 dress the impacts of greenhouse gas emissions  
22 on climate change.

23 (H) JUDICIAL REVIEW.—

24 (i) IN GENERAL.—In addition to any  
25 other remedies available, any person af-

1           fected by a regulation, action, or consider-  
 2           ation concerning the control of emissions  
 3           of a greenhouse gas that fails to meet the  
 4           criteria described in subparagraph (A) may  
 5           challenge the regulation, action, or consid-  
 6           eration.

7                   (ii)    JURISDICTION.—The     United  
 8           States Court of Appeals for the District of  
 9           Columbia Circuit shall have exclusive juris-  
 10          diction over any review of any Federal,  
 11          State, or other regulation, action, or con-  
 12          sideration challenged under clause (i).

13           (2) ACTIONS AT LAW.—No cause of action,  
 14          whether based on common law or civil tort (includ-  
 15          ing nuisance) or any other legal or equitable theory,  
 16          may be brought or maintained, and no liability,  
 17          money damages, or injunctive relief arising from  
 18          such an action may be imposed, for—

19                   (A) any potential or actual contribution of  
 20          a greenhouse gas to climate change; or

21                   (B) any direct or indirect effect of poten-  
 22          tial or actual atmospheric concentrations of a  
 23          greenhouse gas.

24           (3) ALLOWANCES.—No State shall have author-  
 25          ity—

1 (A) to require any entity to procure, hold,  
 2 or surrender allowances for the emission of  
 3 greenhouse gases that takes place outside of the  
 4 State; or

5 (B) to otherwise—

6 (i) regulate or tax, directly or indi-  
 7 rectly, greenhouse gas emissions produced  
 8 outside of the State; or

9 (ii) to otherwise limit the importation  
 10 of products or electricity into the State  
 11 based on greenhouse gas emissions occur-  
 12 ring outside the State.

13 **SEC. 302. REPEAL OF FEDERAL BAN ON SYNTHETIC FUELS**  
 14 **PURCHASING REQUIREMENT.**

15 Section 526 of the Energy Independence and Security  
 16 Act of 2007 (42 U.S.C. 17142) is repealed.

17 **SEC. 303. ELIMINATION OF BOUTIQUE FUELS.**

18 (a) **ELIMINATION OF MULTIPLE FUELS.**—Section  
 19 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is  
 20 amended to read as follows:

21 “(4) After the date of the enactment of the Energy  
 22 Security and Employment Act no State (or political sub-  
 23 division thereof) may prescribe or attempt to enforce any  
 24 control or prohibition respecting any characteristic or  
 25 component of a fuel or fuel additive in a motor vehicle

1 or motor vehicle engine. Any such control or prohibition  
2 adopted before such date of enactment shall cease to have  
3 any force and effect on the date that is 3 years after such  
4 date of enactment.”.

5 (b) CONVENTIONAL GASOLINE.—Section 211(k) of  
6 the Clean Air Act (42 U.S.C. 7545(k)) is amended to read  
7 as follows:

8 “(k) CONVENTIONAL GASOLINE REQUIRED  
9 THROUGHOUT ENTIRE NATION.—The Administrator  
10 shall promulgate regulations under this subsection requir-  
11 ing that all gasoline sold or introduced into commerce in  
12 the United States (except the noncontiguous States and  
13 territories) after the date that is 3 years after the date  
14 of the enactment of the Energy Security and Employment  
15 Act for use in a motor vehicle or motor vehicle engine be  
16 conventional gasoline. As used in this section, the term  
17 ‘conventional gasoline’ means a single blend of gasoline  
18 identified in regulations of the Administrator with a uni-  
19 form chemical composition in all regions of the country  
20 that is identical to the chemical composition of the gaso-  
21 line most widely sold in the United States before the date  
22 of the enactment of the Energy Security and Employment  
23 Act in areas other than nonattainment areas.”.

24 (c) OXYGENATED FUELS.—Subsection (m) of section  
25 211 of the Clean Air Act (42 U.S.C. 7545) is repealed.

## **Subtitle B—Refinery Reform**

### **2 SEC. 311. REFINERY PERMITTING PROCESS.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-  
5 trator” means the Administrator of the Environ-  
6 mental Protection Agency.

7 (2) EXPANSION.—The term “expansion” means  
8 a physical change that results in an increase in the  
9 capacity of a refinery.

10 (3) INDIAN TRIBE.—The term “Indian tribe”  
11 has the meaning given the term in section 4 of the  
12 Indian Self-Determination and Education Assistance  
13 Act (25 U.S.C. 450b).

14 (4) PERMIT.—The term “permit” means any  
15 permit, license, approval, variance, or other form of  
16 authorization that a refiner is required to obtain—

17 (A) under any Federal law; or

18 (B) from a State or Indian tribal govern-  
19 ment agency delegated authority by the Federal  
20 Government, or authorized under Federal law,  
21 to issue permits.

22 (5) REFINER.—The term “refiner” means a  
23 person that—

24 (A) owns or operates a refinery; or

1 (B) seeks to become an owner or operator  
2 of a refinery.

3 (6) REFINERY.—

4 (A) IN GENERAL.—The term “refinery”  
5 means—

6 (i) a facility at which crude oil is re-  
7 fined into transportation fuel or other pe-  
8 troleum products; or

9 (ii) a coal liquification or coal-to-liquid  
10 facility at which coal is processed into syn-  
11 thetic crude oil or any other fuel.

12 (B) INCLUSIONS.—The term “refinery” in-  
13 cludes an expansion of a refinery.

14 (7) REFINERY PERMITTING AGREEMENT.—The  
15 term “refinery permitting agreement” means an  
16 agreement entered into between the Administrator  
17 and a State or Indian tribe under subsection (b).

18 (8) SECRETARY.—The term “Secretary” means  
19 the Secretary of Commerce.

20 (9) STATE.—The term “State” means—

21 (A) a State;

22 (B) the District of Columbia;

23 (C) the Commonwealth of Puerto Rico;

24 and

1 (D) any other territory or possession of the  
2 United States.

3 (b) STREAMLINING OF REFINERY PERMITTING  
4 PROCESS.—

5 (1) IN GENERAL.—At the request of the Gov-  
6 ernor of a State or the governing body of an Indian  
7 tribe, the Administrator shall enter into a refinery  
8 permitting agreement with the State or Indian tribe  
9 under which the process for obtaining all permits  
10 necessary for the construction and operation of a re-  
11 finery shall be streamlined using a systematic inter-  
12 disciplinary multimedia approach as provided in this  
13 section.

14 (2) AUTHORITY OF ADMINISTRATOR.—Under a  
15 refinery permitting agreement the Administrator  
16 shall have authority, as applicable and necessary,  
17 to—

18 (A) accept from a refiner a consolidated  
19 application for all permits that the refiner is re-  
20 quired to obtain to construct and operate a re-  
21 finery;

22 (B) in consultation and cooperation with  
23 each Federal, State, or Indian tribal govern-  
24 ment agency that is required to make any de-  
25 termination to authorize the issuance of a per-



mit, establish a schedule under which each agency shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits issued under the schedule established under subparagraph (B).

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

1 (ii) comply, to the maximum extent  
2 practicable, with the applicable schedule  
3 established under paragraph (2)(B).

4 (4) DEADLINES.—

5 (A) NEW REFINERIES.—In the case of a  
6 consolidated permit for the construction of a  
7 new refinery, the Administrator and the State  
8 or governing body of an Indian tribe shall ap-  
9 prove or disapprove the consolidated permit not  
10 later than—

11 (i) 360 days after the date of the re-  
12 ceipt of the administratively complete ap-  
13 plication for the consolidated permit; or

14 (ii) on agreement of the applicant, the  
15 Administrator, and the State or governing  
16 body of the Indian tribe, 90 days after the  
17 expiration of the deadline established  
18 under clause (i).

19 (B) EXPANSION OF EXISTING REFIN-  
20 ERIES.—In the case of a consolidated permit  
21 for the expansion of an existing refinery, the  
22 Administrator and the State or governing body  
23 of an Indian tribe shall approve or disapprove  
24 the consolidated permit not later than—

1 (i) 120 days after the date of the re-  
2 ceipt of the administratively complete ap-  
3 plication for the consolidated permit; or

4 (ii) on agreement of the applicant, the  
5 Administrator, and the State or governing  
6 body of the Indian tribe, 30 days after the  
7 expiration of the deadline established  
8 under clause (i).

9 (5) FEDERAL AGENCIES.—Each Federal agency  
10 that is required to make any determination to au-  
11 thorize the issuance of a permit shall comply with  
12 the applicable schedule established under paragraph  
13 (2)(B).

14 (6) JUDICIAL REVIEW.—Any civil action for re-  
15 view of any permit determination under a refinery  
16 permitting agreement shall be brought exclusively in  
17 the United States district court for the district in  
18 which the refinery is located or proposed to be lo-  
19 cated.

20 (7) EFFICIENT PERMIT REVIEW.—In order to  
21 reduce the duplication of procedures, the Adminis-  
22 trator shall use State permitting and monitoring  
23 procedures to satisfy substantially equivalent Fed-  
24 eral requirements under this subtitle.

1           (8) SEVERABILITY.—If 1 or more permits that  
2           are required for the construction or operation of a  
3           refinery are not approved on or before any deadline  
4           established under paragraph (4), the Administrator  
5           may issue a consolidated permit that combines all  
6           other permits that the refiner is required to obtain  
7           other than any permits that are not approved.

8           (9) SAVINGS.—Nothing in this subsection af-  
9           fects the operation or implementation of otherwise  
10          applicable law regarding permits necessary for the  
11          construction and operation of a refinery.

12          (10) CONSULTATION WITH LOCAL GOVERN-  
13          MENTS.—Congress encourages the Administrator,  
14          States, and tribal governments to consult, to the  
15          maximum extent practicable, with local governments  
16          in carrying out this subsection.

17          (11) EFFECT ON LOCAL AUTHORITY.—Nothing  
18          in this subsection affects—

19                 (A) the authority of a local government  
20                 with respect to the issuance of permits; or

21                 (B) any requirement or ordinance of a  
22                 local government (such as a zoning regulation).

23          (c) FISCHER-TROPSCH FUEL.—

24                 (1) IN GENERAL.—In cooperation with the Sec-  
25          retary of Energy, the Secretary of Defense, the Ad-

1       ministrator of the Federal Aviation Administration,  
2       the Secretary of Health and Human Services, and  
3       Fischer-Tropsch industry representatives, the Ad-  
4       ministrator shall—

5               (A) conduct a research and demonstration  
6               program to evaluate the air quality benefits of  
7               ultra-clean Fischer-Tropsch transportation fuel,  
8               including diesel and jet fuel;

9               (B) evaluate the use of ultra-clean Fischer-  
10              Tropsch transportation fuel as a mechanism for  
11              reducing engine exhaust emissions; and

12             (C) submit recommendations to Congress  
13             on the most effective use and associated bene-  
14             fits of this ultra-clean fuel for reducing public  
15             exposure to exhaust emissions.

16            (2) GUIDANCE AND TECHNICAL SUPPORT.—The  
17            Administrator shall, to the extent necessary, issue  
18            any guidance or technical support documents that  
19            would facilitate the effective use and associated ben-  
20            efit of Fischer-Tropsch fuel and blends.

21            (3) REQUIREMENTS.—The program described  
22            in paragraph (1) shall consider—

23               (A) the use of neat (100 percent) Fischer-  
24               Tropsch fuel and blends with conventional

1 crude oil-derived fuel for heavy-duty and light-  
2 duty diesel engines and the aviation sector; and

3 (B) the production costs associated with  
4 domestic production of this ultra-clean fuel and  
5 prices for consumers.

6 (4) REPORTS.—The Administrator shall submit  
7 to the Committee on Environment and Public Works  
8 and the Committee on Energy and Natural Re-  
9 sources of the Senate and the Committee on Energy  
10 and Commerce of the House of Representatives—

11 (A) not later than 1 year after the date of  
12 enactment of this Act, an interim report on ac-  
13 tions taken to carry out this subsection; and

14 (B) not later than 2 years after the date  
15 of enactment of this Act, a final report on ac-  
16 tions taken to carry out this subsection.

17 **SEC. 312. EXISTING REFINERY PERMIT APPLICATION DEAD-**  
18 **LINE.**

19 Notwithstanding any other provision of law, applica-  
20 tions for a permit for existing refinery applications shall  
21 not be considered to be timely if submitted after 120 days  
22 after the date of enactment of this Act.

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